

REMARKS

Claims 1, 3 and 6-10 are all the claims pending in the application.

Claims 1, 3 and 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura et al (US 6,743,850).

US Patent No. 6,743,850 to Yoshimura et al, which was previously cited in the Action dated May 23, 2005 in an obviousness-type double patenting rejection, qualifies as §102(e) art based on its U.S. filing date of October 24, 2002, which is before the effective date of the present application of November 19, 2003.

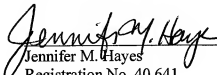
Applicants submit that the invention of the present application and Yoshimura et al were commonly owned by, or subject to an obligation of assignment to, Fuji Photo Film Co., Ltd. (now Fujifilm Corporation) at the time the present invention was made. Therefore, Yoshimura et al can not be used as a reference under 35 U.S.C. § 103 against the present application when it is considered as prior art under 35 U.S.C. § 102(e). See 35 U.S.C. § 103(c).

Accordingly, Applicants respectfully request withdrawal of the §103 rejection based on Yoshimura et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CUSTOMER NUMBER

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